Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Loring Hutterian Brethren Inc
6888 Turner Cutacross Rd
Loring, MT 59537

2. Type of action: Application for Beneficial Water Use Permit No. 40J-30027722

3. Water source name: Groundwater

4. Location affected by project: NWNESWSW, Section 17, T35N, R29E, Phillips County
SENESESE, Section 18, T35N, R29E, Phillips County

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
This project is to pump water out of two manifold wells to supply the domestic, lawn & garden, and stock needs of the Loring hutterite colony. The wells are located in the NWNESWSW of Section 17 and the SENESESE of Section 18, T35N, R29E, Phillips County. The place of use is in the SWSW of Section 17 and SESE of section 18, all in T35N, R29E, Phillips County. The applicant is requesting 50 gpm up to 37.6 acre-feet per year. Of the 37.6 acre-feet, 15 acre-feet is used to supply 15 households, 7.5 acre-feet to water 3 acres of lawn & garden, and 15.1 acre-feet for watering a variety of stock (890.5 animal units). The well in section 17 was drilled and put to use in 1987. The well in section 18 was drilled and put to use in 1996. These two wells replaced two shallow wells and the applicant was not aware that a new permit had to be filed on the new, much deeper wells. The deep wells were drilled because the water quality of the shallow wells was very poor. The applicant benefits by having good quality water to provide for the needs of the colony.

The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Montana Natural Heritage Program
National Wetland Inventory - Website

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity *- Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: This permit application will be utilizing groundwater from two wells with a combined pumping rate of 50 gpm. One of the wells is 494 feet deep and the other is 480 feet deep. It is very unlikely that it will have any impact on surface water flows.

Water quality *- Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: This permit application will be utilizing groundwater from two wells with a combined pumping rate of 50 gpm. One of the wells is 494 feet deep and the other is 480 feet deep. The project will have no impact on any listed (water quality impaired or threatened) streams.

Groundwater *- Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: The first well is 480 feet deep with a static water level of 200 feet. This well was drilled and put to use in 1987. The second well was drilled and put to use in 1996. The well depths are 480' and 494' respectively with static water levels of 200' and 204'. An Aermotor 5hp submersible pump rated at 50 gpm is installed in each well. The pumps are set at 410' and 400' so only deliver approximately 25 gpm each. The Loring Hutterian Brethren Inc permit application is requesting a flow rate of 50 gpm and a combined volume of 37.6 acre-feet. There are no perennial sources of water in this area and the wells are 200 feet deeper than any other well within a four mile radius.

DIVERSION WORKS *- Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: The wells were drilled by a Montana licensed well driller. The water is pumped from the wells into three storage tanks. The tanks have a combined storage capability of 18,000 gallons of water. The water is then pumped out of the tanks to the homes, barns and garden. This groundwater appropriation will have no impact on flow modifications, barriers, riparian areas or dams.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species *- Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: According to a report from the Montana Natural Heritage Program (MNHP) there is one species of special concern in the general project area. The Ferruginous Hawk is classified as sensitive by the Bureau of Land Management. Both of the wells were drilled within an existing farmstead, one in 1987 and the other in 1996. The farmstead can be seen on a 1959 aerial photo. The addition of these two wells to the farm will have no significant impact on the Ferruginous Hawk. There are no perennial sources of water near the location of the wells so it is very unlikely that pumping from the wells would have any impact on surface water flows.

Wetlands *- Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: According to the National Wetland Inventory there no wetlands within the area of the farmstead and these deep wells. No significant impact will occur.

Ponds *- For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: Not applicable.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: The only ground disturbance created by this project occurred in 1987 and 1996 when the wells were drilled and the water lines installed. The use of these wells will have no significant impact on the soil quality, soil stability or change the moisture content of the soil.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: The wells were drilled and put to use in 1987 and 1996 and are located within an existing farmstead. Any disturbance to the vegetative cover have been since grown over. The control of noxious weeds is the responsibility of the property owner.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: There will be no deterioration of air quality as a result of this appropriation.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: The Montana State Historic Preservation Office (SHPO) was not consulted for this application. The wells were drilled in 1987 and 1996 and are located within a farmstead that has existed for at lease 50 years. As the project has been completed for a long period of time, any disturbance to possible cultural properties has already occurred. Additionally, the project is located on private property and any inventory that might be conducted in the future would be at the property owner's discretion.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No additional impacts on other environmental resources were identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: There are no known local environmental plans or goals in this area.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: This project will have no significant impact on recreational or wilderness activities.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: This project will have no significant impact on human health.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
*Yes___ No_**X**__ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

Determination: There are no additional government regulatory impacts on private property rights associated with this application.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) *Cultural uniqueness and diversity?* No significant impact.

(b) *Local and state tax base and tax revenues?* No significant impact.

(c) *Existing land uses?* No significant impact.

(d) *Quantity and distribution of employment?* No significant impact.

(e) *Distribution and density of population and housing?* No significant impact.

(f) *Demands for government services?* No significant impact.

(g) *Industrial and commercial activity?* No significant impact.

(h) *Utilities?* No significant impact.

(i) *Transportation?* No significant impact.

(j) *Safety?* No significant impact.

(k) *Other appropriate social and economic circumstances?* No significant impact.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: No secondary impacts have been identified.

Cumulative Impacts: No cumulative impacts have been identified.

3. *Describe any mitigation/stipulation measures:* None at this time.

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:* Under the no action alternative, the applicant would not have the benefit of a water right for an existing water system that supplies the Loring Colony. There are no alternate water sources for domestic and stock use at this location.

PART III. Conclusion

1. Preferred Alternative: Issue a water use permit if the applicant proves the criteria in 85-2-311, MCA are met.

2 Comments and Responses

3. ***Finding:***
Based on the significance criteria evaluated in this EA, is an EIS required? No

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant impacts have been identified, therefore an EIS is not necessary.

Name of person(s) responsible for preparation of EA:

Name: Denise Biggar
Title: Water Resource Specialist
Date: July 24, 2007